

BOARD OF APPEALS CASE NO. 5223

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BEFORE THE

**APPLICANTS: Richard & Ella Enfield
and Harford County Government**

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ZONING HEARING EXAMINER

**REQUEST: Interpretation to correct a
mapping error; 719-721 Wheeler School
Road, Pylesville**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 1/23/02 & 1/30/02

HEARING DATE: March 25, 2002

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Record: 1/25/02 & 2/1/02

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Richard and Ella Enfield & Harford County Government, are requesting an interpretation, pursuant to Section 267-10D of the Harford County Code, to correct a mapping error in the 1997 Comprehensive Rezoning for the northwest corner of Wheeler School Road and MD Route 165 for B3 zoning, as shown on the current map in an Agricultural/B3 District.

The subject parcel is located at 719-721 Wheeler School Road, Pylesville, Maryland 21132, in the Fifth Election District, and is more particularly identified on Tax Map 10, Grid Number 1E, Parcel 80. The parcel contains approximately 5 acres, and is part of a larger 100+ acre farm.

Mr. Anthony McClune, Manager, Division of Land Use Management for the Department of Planning and Zoning, appeared and testified that the subject property has been zoned Agricultural and B3 since the 1982 Comprehensive Rezoning. This information is verified by the 1982 zoning map, which he identified as Attachment 8 to the Department of Planning and Zoning Staff Report. No request was made by either the County, or the property owners, to change the zoning of the subject parcel during the 1987 Comprehensive Review. The boundaries remained unchanged on the 1987 zoning map, which Mr. McClune identified as Staff Report Attachment 9.

Case No. 5223 – Richard & Ella Enfield and Harford County Government

The witness further stated that no request was made by either the County or the property owners to change the zoning of the subject parcel during the 1997 Comprehensive Review. Mr. McClune indicated that he has personally reviewed the issue logs from the 1997 Comprehensive Rezoning, and determined that no issues were filed regarding the subject property during that process. He also testified that the County has not amended the zoning map or changed the zoning of the subject property since the 1982 Comprehensive Rezoning. Nevertheless, the boundary lines for the B3 portion of the subject parcel were altered when the 1997 zoning map was drafted. The western line of the B3 area was moved eastward, and the northern line was extended along Wheeler School Road. This change was recently brought to the County's attention by the property owner.

No witnesses appeared in opposition to the request.

CONCLUSION:

The Applicants, Richard and Ella Enfield & Harford County Government, are requesting an interpretation, pursuant to Section 267-10D of the Harford County Code, to correct a mapping error in the 1997 Comprehensive Rezoning for the northwest corner of Wheeler School Road and MD Route 165 for B3 Zoning as shown on the current map in an Agricultural/B3 District.

Section 267-10D of the Harford County Code allows for the adjustment of mapping errors, stating:

“Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process.”

Case No. 5223 – Richard & Ella Enfield and Harford County Government

The uncontradicted evidence, presented by Mr. Anthony McClune of the Harford County Department of Planning and Zoning, established that the subject parcel has been zoned B3 since the Comprehensive Rezoning in 1982. No issues were filed by the property owners, or by the County, during either the 1989 or the 1997 Comprehensive Reviews requesting a change of zoning for this parcel. In addition, the county has not voted, at any time since the 1982 Comprehensive Rezoning, to change the zoning map with relation to the subject property, or to amend the zoning of the subject property. Nevertheless, the boundary lines of the B3 portion of the property were altered during the drafting of the 1997 zoning map.

The Hearing Examiner finds that the alteration of the B3 portion of the subject property during the drafting of the 1997 zoning map was the result of a mapping error, and that an adjustment is necessary in order to accurately reflect the proper B3 boundary lines for this parcel.

Date MAY 3, 2002

Rebecca A. Bryant
Zoning Hearing Examiner